

III. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 9-53, 61-106, 114-144, and 152-187 currently stand in the present application. Claims 1, 53, 106, 144 and 185 are independent. Applicant has made a number of relatively minor amendments to overcome formal objections raised by the Examiner (e.g., Markush language and the like). Applicant would appreciate the Examiner's cooperation to telephone Applicant's undersigned attorney if there are any other formal objections that can be resolved over the phone.

Applicant wishes to note that all amendments made herein are for the purpose of clarifying claim scope and not in response to any particular rejection or to comply with any particular statutory requirement.

The Examiner rejected Claims 1-187 under the judicially created doctrine of obviousness-type double patenting for being purportedly unpatentable over Claims 1-40 of United States patent 6,015,895. Without conceding the propriety of this rejection, and for the sole purpose of advancing prosecution of the present application, Applicant submits herewith a duly executed terminal disclaimer in compliance with 37 C.F.R. §§1.321(b) and (c). The Examiner is requested to reconsider and withdraw the obviousness-type double patenting objection.

The Examiner rejected Claims 1-187 under 35 U.S.C. §112 (first paragraph) as purportedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the present inventors, at the time the invention was filed, had possession of the claimed invention.

Reconsideration of this rejection is requested in light of the amendments submitted herein and the following remarks.

As the Examiner will see, Claim 1 has been amended to incorporate the subject matter of Claims 16 and 18 thereby further clarifying the definition of the “organic radical”. Similar amendments have been made to independent Claims 53, 106, 144 and 185. Applicant notes old Claims 16 and 18 were not included in the list of claims objected to by the Examiner on page 4, lines 5-10 of Paper Number 18. Further, with regard to the term “linker moiety”, Applicant believes this term is well understood in the art and a person of ordinary skill in the art would clearly understand that the present inventors had possession of claimed invention at the time the present application was filed insofar as this term is considered at the time the present application was filed.

The second basis for rejection Claims 1-187 under 35 U.S.C. §112 (first paragraph) was for purported lack of enablement. It is believed that this rejection is now moot in light of the above comments and the submission herewith of amended Claims 1, 53, 106, 144 and 185.

Accordingly, the Examiner is requested to reconsider and withdraw the rejection of Claims 1-187 under 35 U.S.C. §112 (first paragraph).

The Examiner rejected Claims 1-187 under 35 U.S.C. §112 (second paragraph). Reconsideration of this rejection is requested in light of the amended claims submitted herewith and the following remarks.

With regard to the paragraph bridging pages 5 and 6 of Paper Number 18, Applicant has amended Claims 1 and 53 in accordance with the Examiner's request. Claims 106, 144 and 185 have not been amended since these are process claims and it is believed that the language used in these claims is appropriate. Adopting the Examiner's purposed language would make the claims virtually meaningless since a potential infringer could add a meaningless step to the claimed process and arguably avoid infringement thereof.

The Examiner was of the view that the term "reusable" is superfluous. Notwithstanding this, Applicant has retained the terms since it provides meaningful context for the claims.

Applicant has amended Claims 19, 25, 71, 77, 124 and 162 such that the term "R⁸" now reads "R^a". Further, Applicant has made clarifying amendments to Claims 15, 22, 37, 67 and 120 to deal with the concerns raised by the Examiner on page 6, lines 15-22 of Paper Number 18.

Still further, Applicant has amended the claims noted in the paragraph bridging pages 6 and 7 of Paper Number 18 to clarify the Markush group used in the noted claims.

In response to the Examiner's concerns at page 7, lines 7-14 of Paper Number 18, Applicant wishes to point out that the subject matter of these claims is clear and definite. The fact that chemical reagents used to catalyze formation of new chemical bonds are not recited is, in Applicant's view, not the purpose of these claims. Rather, it is believed that these claims recite a combination of process steps which is new and unobvious having regard to the prior art. Addition of further detail such as particular reagents or catalysts that are conventional in the art to claims that already patentably distinguish over the art, would only serve to unduly restrict Applicant's protection. The Examiner is requested to reconsider and withdraw this rejection.

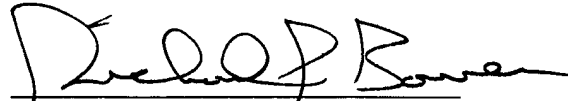
The typographical error in Claim 142 has been corrected.

As stated above, Applicant would be grateful for the Examiner's cooperation to telephone Applicants assigned attorney to discuss any formal remaining matters that can be resolved over the telephone.

In view of the above amendments and remarks, it is believed that the present application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached by telephone at (202) 625-3507. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Bauer", written over a horizontal line.

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